



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART III

#### FIXED PENALTIES

*<sup>F1</sup>[Conditional offer of fixed penalty]*

#### **[<sup>F1</sup>77A Endorsement of driving records where penalty paid**

(1) Where—

- (a) in pursuance of a conditional offer issued under subsection (1), (2) or (3) of section 75 of this Act a person <sup>F2</sup>... (referred to in this section as the “alleged offender”) makes payment of the fixed penalty to the fixed penalty clerk [<sup>F3</sup>and (if he is the holder of a licence) delivers his licence to the fixed penalty clerk], and
- (b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,

the fixed penalty clerk must forthwith send to the Secretary of State notice of the relevant particulars to be endorsed on the alleged offender's driving record [<sup>F4</sup>together with any licence delivered under paragraph (a) above].

(2) The Secretary of State must endorse the relevant particulars on a person's driving record [<sup>F5</sup>and return any licence delivered to him under this section to the alleged offender]—

- (a) on receiving notice under subsection (1) above, or
- (b) if, in pursuance of a conditional offer issued under subsection (1A) or (3B) of section 75 of this Act, a person <sup>F6</sup>... (also referred to in this section as the “alleged offender”) makes payment of the fixed penalty to him [<sup>F7</sup>and (if he is the holder of a licence) delivers his licence to him,] and proceedings against the alleged offender are excluded by section 76 of this Act.

*Status: Point in time view as at 08/06/2015. This version of this provision has been superseded.*

**Changes to legislation:** Road Traffic Offenders Act 1988, Section 77A is up to date with all changes known to be in force on or before 09 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Where in Scotland the appropriate person is the fixed penalty clerk and it appears to him that there is an error in an endorsement made by virtue of this section on a person's driving record, he may send to the Secretary of State notice of the error.
- (4) Subject to subsection (5) below, where a cheque tendered in payment is subsequently dishonoured—
- (a) any endorsement made by the Secretary of State under subsection (2) above remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
  - (b) unless the appropriate person is the Secretary of State, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.
- (5) When proceedings are brought against an alleged offender where subsection (4) above applies, the court—
- (a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,
  - (b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and
  - (c) must send to the Secretary of State notice of any order made under paragraph (a) or (b) above.
- (6) On receiving notice under subsection (3) above, the Secretary of State may correct the error in the endorsement on the driving record; and any endorsement corrected shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.
- (7) On receiving a notice under subsection (5)(c) above, the Secretary of State must make any necessary adjustments to the endorsements on the alleged offender's driving record.
- (8) The references in subsection (1) and (2) above to the relevant particulars are to—
- (a) particulars of the offence, including the date when it was committed, and
  - (b) the number of penalty points to be attributed to the offence.
- (9) Where a person's driving record is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—
- (a) he had been convicted of the offence,
  - (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
  - (c) the particulars of the offence endorsed by virtue of subsection (8)(a) above were particulars of his conviction of that offence.
- (10) In relation to any endorsement of a person's driving record under this section, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself.]

#### Textual Amendments

**F1** S. 77A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 2 para. 27; S.I. 2008/3164, art. 4(b)

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- F2** Words in s. 77A(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 54(2)(a), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F3** Words in s. 77A(1) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(2)(b)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F4** Words in s. 77A(1) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(2)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F5** Words in s. 77A(2) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(3)(a)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F6** Words in s. 77A(2) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 54(3)(b), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F7** Words in s. 77A(2) inserted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 54(3)(c)**; S.I. 2015/560, art. 3(a) (with arts. 4-9)

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